

11 SEP 2019

REF 2018/395-02/024



Department of Primary Industries

FE19/756 IDA19/95

Your ref: WM:LMW:DA2018/395

11 July 2019

The General Manager
Bathurst Regional Council
Private Mail Bag 17
BATHURST NSW 2795

Attention: Mr Wayne McDonald

Dear Mr McDonald

Re: Development Application No. 2018/395 Premises: Lot 1126 DP1215618, being Colville Street, Windradyne

Thank you for your letter dated 27th August 2019 requesting that DPI Fisheries, a division within the Department of Primary Industries provide General Terms of Approval on the above mentioned development application.

DPI Fisheries are responsible for ensuring that fish stocks are conserved and that there is "no net loss" of key fish habitats upon which they depend. To achieve this, the Department ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act respectively) and the associated *Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (2013)*.

The waterways that passes thru Lot 1126 DP1215618 are first order and second order streams (Strahler Stream Order) and are therefore not considered *Key Fish Habitat* (Third order or greater). As the waterway is not *Key Fish Habitat*, the development is not considered integrated development as no approvals are required under the *Fisheries Management Act 1994*. DPI Fisheries have no objections to the development provided Environmental safeguards are to be installed consistent with "*Managing Urban Stormwater: Soils and Construction*" (4th Edition Landcom, 2004, aka the Blue Book (see <http://www.environment.nsw.gov.au/resources/water/BlueBookVol1.pdf>) to ensure that there is no escape of turbid plumes into the downstream aquatic environment.

Please see attached cheque returned with this letter. If you require any further information please contact me on (02) 6763 1255 or 0429 908 856.

Yours sincerely,

DEPBS ✓
(Cha)
MFS

David Ward
Fisheries Manager (Tamworth)

FISHERIES AQUATIC ENVIRONMENT BRANCH
TAMWORTH AGRICULTURAL INSTITUTE
4 Marsden Park Road
CALALA NSW 2340

www.dpi.nsw.gov.au

Tel: 02 6763 1255

Wayne McDonald

From: Jeanette Nestor <jeanette.nestor@nrar.nsw.gov.au>
Sent: Wednesday, 27 November 2019 11:39 AM
To: Wayne McDonald
Subject: Re: Development Application 2018/395 - IDA FIN0053390 - URGENT
[SEC=OFFICIAL]

Hi Wayne

Thank you for forwarding information regarding the proposed Windradyne Stage 1100 - 204 Lot subdivision. Sorry I was out of the office yesterday.

Council is exempt from requiring a Controlled Activity Approval (CAA) under Subdivision 4 - exemption from the requirement for a controlled activity approval, cl 40 of the Water Management (General) Regulation 2018 for the proposed works on waterfront land. Although Council is exempt from requiring a CAA, it is Councils responsibility to carry out any works in line with the *Water Management Act 2000* and the Natural Resources Access Regulator (NRAR) guidelines for works on waterfront land.

NRAR provides the following key comments for consideration:

Key comments

- Sawpit Creek is considered to be an unstable system which is in a state of decline due largely to increased pressure from development. The nature of the soils within and along Sawpit Creek are highly erodible and therefore any disturbance should be kept to a minimum. Stormwater should be managed on site adequately before to ensure discharging into the creek. Onsite stormwater detention basins are generally recommended.

It is recommended the design and construction footprint and extent of disturbance within the riparian corridor should be minimised. Channel/drains to convey stormwater within a riparian zone to the watercourse are generally not support. Where channel/drains are absolutely necessary, Council will need to demonstrate the stability of the channel/drain and discharge point. Council is reminded of the impact caused to the riparian zone and Sawpit Creek as a result of miss managed stormwater adjacent to Munro Street.

- It is noted that there are three first order watercourses on the subject site which are proposed to be realigned. NRAR has concerns with the management of water into Sawpit Creek, particularly through the culvert (C5) at the Colville Street end. It is not clear why C5 is not directed downstream into the natural channel which flows to the north to minimise disturbance.

- Stormwater discharge is to be at a stable section of the creek, midway between bends with adequate dissipation structures in place.

- Stormwater outlet to be set at the base of the bank of the watercourse or grade scour apron to bed level of the watercourse.

- Stormwater outlet to be pointed down stream with adequate and appropriately sized rip rap installed.

- It is noted that Sawpit Creek will experience an increase in post development flows as a result of the development. It is recommended that consideration be given to the adequacy of the infrastructure to manage on site stormwater and the installation of onsite detention basins.

If you have any questions please don't hesitate to give me a call.

Jeanette Nestor
Water Regulation Officer
Natural Resources Access Regulator
Department of Industry

209 Cobra St | PO Box 717 | Dubbo NSW 2830
T: 02 6841 7447 M: 0408 338501 F: 02 6884 0096
E: jeanette.nestor@dpi.nsw.gov.au
W: www.water.nsw.gov.au

On Mon, 25 Nov 2019 at 13:06, Wayne McDonald <wayne.mcdonald@bathurst.nsw.gov.au> wrote:

Good Afternoon Jeanette,

RE: IDAS1119121 DA2018/395 Colville Street WINDRADYNE NSW

This integrated application has now been with the Department since initial referral (FIN0025916) in August 2019.

Advice regarding zero submissions and requesting GTA's was forwarded on 10 October 2019.

On 7th November after several attempts to get a response I was informed that the matter had been only just been passed to you.

Council will be undertaking a final site visit this Wednesday to resolve some of our onsite concerns and issues with the Applicant and wishes to commence the preparation of the report to the Joint Regional Planning Panel ASAP. The JRPP will inevitably require the input from NRAR so it would be appreciated if the GTA's or an indication of timing could be provided as a matter of priority.

Regards

Wayne McDonald
Development Control Planner
Bathurst Regional Council
158 Russell Street Bathurst 2795
P: 02 6333 6272
W: www.bathurst.nsw.gov.au



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NSW Police Force

Development Application Review

BATHURST REGIONAL COUNCIL

WEBCOPS Event No: E 72782429

11 SEP 2019

Attention: Mr W McDonald – Planning & Building Services.

DA Reference No: 2018/395

REF 2018/395-02/025

Council: Bathurst Regional Council

Developer/Applicant: Bathurst Regional Council, 158 Russell St Bathurst NSW 2795

Property address: Lot 1126 DP 1215618, Colville Street Windradyne

Proposed development/use of space: 204 lot residential subdivision

1. Introduction

In line with section 4.15 of the New South Wales Planning & Assessment Act 1979 and the New South Wales Planning Guidelines, the below report has been conducted on Development Application 2018/395.

2.1 Current environment

This sub division is located within the Bathurst Regional Council LGA, the land is the property of the Bathurst Regional Council. The area of the sub division is approx. 40.65 hectares. The subdivision is currently vacant, with no buildings currently on the site. The land is vacant and classified for grazing but not cultivation. The site is surrounded by urban residential to the north and the east. The local surrounding area is a mix of residential and grazing land.

2.2 Proposed development

The proposed sub division is for 204 lots of various land capacity ranging from 551.7m² – 1131.4m².

Each lot will be fully serviced with water, sewer, gas electricity and telecommunications. The area is currently surrounded by similar developments. There is no identified conflict with the current space and the proposed development.

3. Crime risks and identified issues

DEPBS

CMU Chifley PD

139 Rankin St Bathurst NSW 2795

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NSW Police Force

3.1. Current Crime Trends - Nil issues identified.

3.2. Possible identified Risks - Nil issues identified.

3.3. There are no identifiable social issues that would impact on the ability of NSWPF to police this space.

4. Recommendations

Due to the nature of the development, identified crime risks and issues, we recommend the following:

- Crime Prevention through Environmental Design be strictly adhered to, including, but not limited to building design, maintenance and lighting.
- This proposal be submitted to the Traffic Management Committee for their input and recommendations. Pedestrian access and cycleways should also be considered in the traffic plan.

Disclaimer

The New South Wales Police Force has a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this assessment, any person who does so acknowledges that:

- It is not possible to make all areas evaluated by the NSWPF entirely safe for members of the community or the security of their property.
- It is based upon the information provided to the NSWPF at the time the assessment was made.
- This assessment is a confidential document and is for use of the consent authority unless otherwise agreed.
- The contents of this assessment are not to be copied or circulated otherwise than for the purposes of the consent authority, unless otherwise agreed.

The NSW Police Force hopes that by using the recommendations contained in this assessment, criminal activity will be reduced and the safety of members of the community and the security of their property will increase. However, it does not guarantee that all risks have been identified, or that the area assessed will be free from criminal activity if its recommendations are followed.

Should you have any questions in relation to the evaluation contact Senior constable Sue Rose, Crime Prevention Officer, Chifley PD, 63328669

CMU Chifley PD

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NSW Police Force

Yours sincerely,

Senior Constable Sue Rose
Crime Prevention Officer – Chifley PD

CMU Chifley PD

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12 January 2021

SF2015/120284; WST15/00073/07

General Manager
Bathurst Regional Council
PMB 17
BATHURST NSW 2795

By email: Fern-Alice Finn, Development Control Planner

Dear Ms Finn,

**DA 2018/395: Lots 1125 & 1126 DP 1215618; Governors Parade, Windradyne
Windradyne 1100 proposed 205-lot residential subdivision traffic addendum**

Thank you for the letters dated 13 November 2020 (from Council's Engineering Services) and 18 December 2020 (Bitzios), following the 7 September 2020 letter from TfNSW requesting information in relation to DA2018/395.

We understand that the commentary in the 13 November letter represents the views of staff representing Council as both the developer and the roads authority.

TfNSW has reviewed the updated traffic analysis in the context of previous studies and in particular the Bathurst Traffic and Transport Study (WSP, 2019). As the proposal will require works within the Mitchell Highway (State classified HW7), TfNSW is willing to grant its concurrence to the proposal, pursuant to Section 138(2) of the *Roads Act 1993*, subject to the following conditions being met:

- A sealed (bitumen or concrete) off-road shared cycleway path is to be provided along the Mitchell Highway, connecting the existing paths at [Bradwardine Road and Dean Street](#), prior to any Subdivision Certificate. The detailed design is to be in accordance with *Austroads* standards and concurrence to the detailed design obtained from TfNSW prior to the commencement of construction.

Advice: The developer proposed a cycleway link along Dean Street between [Suttor Street and the Mitchell Highway](#), however TfNSW supports a route that uses the arterial road network as it would ultimately serve a wider urban catchment and have high legibility and so is likely to take more vehicle trips off the network.

- Prior to any Subdivision Works Certificate, the developer shall obtain approval in writing from TfNSW as to the extent of Mitchell Highway road reserve widening (if any) required for purposes such as:
 - Planned highway safety program improvements adjacent to the site,
 - Adequate roadside area including recovery area for errant vehicles, and/or
 - Strategic planning initiatives, such as (but not limited to) future intersection locations on the highway for a potential southern town centre bypass or access between the highway and adjoining subdividable land.

The design and minimum setback distance of residential lots from the highway is to be modified to suit. The road widening land required by TfNSW shall be

Transport for NSW

51-55 Currajong Street PARKES NSW 2870 | PO Box 334 PARKES NSW 2870 DX20256
P 6861 1449 | W development.western@rms.nsw.gov.au | ABN 18 804 239 602

dedicated as public road reserve prior to any Subdivision Certificate release for the adjacent lots, at no cost to TfNSW.

Please also be advised that under the provisions of the *Environmental Planning & Assessment Act 1979* it is the responsibility of the consent authority to assess the environmental implications, and notify potentially affected persons, of any referral agency conditions that may be imposed.

Please forward a copy of the determination to Transport for NSW at development.western@rms.nsw.gov.au and if you wish to discuss this matter further, please contact Bevan Crofts, Development Assessment Officer on (02) 6861 1449.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Andrew McIntyre', with a stylized flourish at the end.

Andrew McIntyre
Manager Land Use Assessment
West